

## United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspito.gov

APPLICATION NO	. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,311		07/19/2001	Heiner Max	Beiersdorf 733-KGB	9953
27384	7590	02/12/2002			
KURT BE			EXAMINER		
220 EAST	42ND STR	ILIN & MARCUS EET, 30TH FLOO	BAHAR, MOJDEH		
NEW YOR	NEW YORK, NY 10017			ART UNIT	PAPER NUMBER
				1617	
				DATE MAIL ED. 02/12/2002	•

# **BEST AVAILABLE COPY**

Please find below and/or attached an Office communication concerning this application or proceeding.

	<u> </u>						
	Application No.	Applicant(s)					
Office Action Summers	09/909,311	MAX ET AL.					
Office Action Summary	Examiner	Art Unit					
The MAN INC DATE of the	Mojdeh Bahar	1617					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period f r Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period will be period to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	6(a). In no event, however, may a reply be to within the statutory minimum of thirty (30) daill apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON date of this communication, even if timely file.	ays will be considered timely. In the mailing date of this communication. IED (35 U.S.C. § 133). IED, may reduce any					
1) Responsive to communication(s) filed on	BEST A	VAILABLE COPY					
	s action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4) Claim(s) 8-15 is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>8-15</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:	have been received						
1. Certified copies of the priority documents have been received.							
<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage</li> </ul>							
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>							
Attachment(s)							
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/2.</li> </ol>	5) Notice of Informa	ry (PTO-413) Paper No(s) I Patent Application (PTO-152)					

Application/Control Number: 09/909,311

Art Unit: 1617

#### DETAILED ACTION

## BEST AVAILABLE CO.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Sanchez et al. (WO 95/19108).

Sanchez et al. (WO 95/19108) teaches a method for reducing shiny, moist, oily appearance of the skin employing a composition comprising of beta-cyclodextrin, see example 4, page 5 lines 14-20 in particular.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Application/Control Number: 09/909,311

**Art Unit: 1617** 

### **BEST AVAILABLE COPY**

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. (WO 95/19108).

Sanchez et al. (WO 95/19108) teaches a method for reducing shiny, moist, oily appearance of the skin employing a composition comprising of beta-cyclodextrin, see example 4, page 5 lines 14-20 in particular. Sanchez et al. also teaches a skin and hair cleaning composition comprising from about 1% to 30% cyclodextrins (alpha, beta and gamma) by weight, see claims 6-11 in particular. Sanchez et al. further teaches that its composition is employed in methods of removing lipids from the skin and hair and can be used in treating patients suffering from seborrhea or acne, see page 1, lines 4-5 and page 3, lines 1-2.

It would have been obvious to employ Sanchez's composition in a method of treating diseases/conditions associated with the production of sebum.

One of ordinary skill in the art would have been motivated to employ Sanchez's composition in a method of treating diseases/conditions associated with the production of sebum because the Sanchez composition is known to be useful in methods of dilipidating hair and skin and thereby treating conditions associated with sebum production.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mojdeh Bahar whose telephone number is (703) 305-1007. The examiner can normally be reached on (703) 305-1007 on Monday, Tuesday, Thursday and Friday from 8:30 a.m. to 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minna Moezie, J.D., can be reached on (703) 308-4612. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Mojdeh Bahar Patent Examiner February 6, 2002

BEST AVAILABLE COPY

NNA MOEZIE, J.D. SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600